

MONTANA LEGISLATIVE HISTORY

Chapter 350 1999

Bill H _____ S 236 Original bill & history ____C

H. Committee on Judiciary

Hearing Date(s) _____ C

3/12 C

_____ C

3/23 C

Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) _____ C

1/27 C

_____ C

2/1 C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

SB 233 Introduced by Bohlinger

LC0352 Drafter: Petesch

Provide a Discretionary Longevity Salary Adjustment for County Attorneys;...

10/19	Fiscal Note Needed		
1/19	Introduced and 1st Reading		
1/19	Referred to Local Government		
1/19	Fiscal Note Requested		
1/22	Fiscal Note Received		
1/27	Fiscal Note Printed		
1/28	Hearing		
1/28	Revised Fiscal Note Requested		
2/04	Committee Executive Action--Bill Passed as Amended	9	2
2/04	Committee Report--Bill Passed as Amended		
2/04	Revised Fiscal Note Received		
2/05	Taken from 2nd Reading; Rereferred to Finance and Claims	49	0
2/06	Revised Fiscal Note Signed		
2/06	Revised Fiscal Note Printed		
2/11	Hearing		
2/19	Committee Executive Action--Bill Passed as Amended	10	8
2/20	Committee Report--Bill Passed as Amended		
2/22	2nd Reading Passed	39	9
2/23	3rd Reading Passed	44	5
	Transmitted to House		
3/02	Referred to State Administration		
3/10	Hearing		
3/26	Committee Executive Action--Bill Concurred as Amended	10	7
3/26	Committee Report--Bill Concurred as Amended		
3/30	Revised Fiscal Note Requested		
3/30	Revised Fiscal Note Received		
3/30	Revised Fiscal Note Signed		
3/30	Revised Fiscal Note Printed		
3/31	2nd Reading Concurred	68	31
4/01	3rd Reading Concurred	68	32
	Returned to Senate with Amendments		
4/08	2nd Reading House Amendments Concurred	50	0
4/09	3rd Reading Passed as Amended by House	42	8
4/12	Sent to Enrolling		
4/13	Returned from Enrolling		
4/14	Signed by President		
4/15	Signed by Speaker		
4/15	Transmitted to Governor		
4/21	Signed by Governor		
4/22	Chapter Number Assigned		
	Chapter Number 411		
	Effective Date: 7/01/1999 - All Sections		

SB 234 Introduced by F. Thomas

LC1447 Drafter: McClure

Authorize the State Fund to Contract with Public or Private Entities to Provide Workers' Compensation, Occupational Disease, and Employers' Liability Claims Administration, Loss Control, and Other Related Services;...

1/19	Introduced and 1st Reading
1/19	Referred to Business and Industry
1/27	Hearing

SENATE BILLS AND RESOLUTIONS

151

2/02	Committee Executive Action--Bill Passed	4	3
2/02	Committee Report--Bill Passed		
2/05	2nd Reading Passed	25	24
2/06	3rd Reading Passed	27	23
	Transmitted to House		
2/16	Referred to Business and Labor		
3/08	Hearing		
3/08	Tabled in Committee		
	Died in Standing Committee		

SB 235 Introduced by Wells, et al.

LC0762 Drafter: K. Williams

Specify Criteria for a Presumption of Nonabandonment for Municipal Water Rights in Waters Classified as "A-Closed";...

1/19	Introduced and 1st Reading		
1/19	Referred to Natural Resources		
1/25	Hearing		
2/15	Committee Executive Action--Bill Passed as Amended	10	1
2/15	Committee Report--Bill Passed as Amended		
2/16	2nd Reading Passed	48	0
2/17	3rd Reading Passed	47	0
	Transmitted to House		
2/18	Referred to Natural Resources		
3/08	Hearing		
3/11	Committee Executive Action--Bill Concurred	19	1
3/11	Committee Report--Bill Concurred		
3/20	2nd Reading Concurred	96	0
3/22	3rd Reading Concurred	98	0
	Returned to Senate		
3/23	Sent to Enrolling		
3/23	Returned from Enrolling		
3/25	Signed by President		
3/26	Signed by Speaker		
3/29	Transmitted to Governor		
3/30	Signed by Governor		
3/31	Chapter Number Assigned		
	Chapter Number 213		
	Effective Date: 3/30/1999 - All Sections		

SB 236 Introduced by Doherty, et al.

LC0432 Drafter: Lane

Generally Revise the Offense of Criminal Syndicalism Law;...

1/19	Introduced and 1st Reading		
1/19	Referred to Judiciary		
1/27	Hearing		
2/02	Committee Executive Action--Bill Passed as Amended	7	1
2/02	Committee Report--Bill Passed as Amended		
2/05	2nd Reading Passed	39	10
2/06	3rd Reading Passed	39	9
	Transmitted to House		
2/16	Referred to Judiciary		

Senate BILL NO. 236

INTRODUCED BY Doherty
(Primary Sponsor)Griffith Halligan

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE OFFENSE OF CRIMINAL SYNDICALISM; RENAMING THE OFFENSE AS CRIMINAL INCITEMENT; REDEFINING ELEMENTS OF THE OFFENSE TO BE CONSISTENT WITH CONSTITUTIONAL MANDATES; ELIMINATING CONSTITUTIONALLY PROTECTED ACTIVITIES FROM INCLUSION IN THE OFFENSE; AMENDING SECTION 45-8-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-105, MCA, is amended to read:

"45-8-105. Criminal syndicalism incitement. ~~(1) "Criminal syndicalism" means the advocacy of crime, malicious damage or injury to property, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends.~~

~~——— (2) (1) A person commits the offense of criminal syndicalism incitement if he the person purposely or knowingly:~~

~~(a) orally or by means of writing, advocates or promotes the doctrine of criminal syndicalism;~~

~~——— (b) organizes or becomes a member of any assembly, group, or organization which he knows is advocating or promoting the doctrine of criminal syndicalism; or~~

~~——— (c) for or on behalf of another whose purpose is to advocate or promote the doctrine of criminal syndicalism, distributes, sells, publishes, or publicly displays any writing advocating or advertising such doctrine~~ advocates the commission of a criminal offense and the advocacy is:

(a) directed to inciting or producing imminent unlawful action; and

(b) likely to incite or produce unlawful action.

(2) For purposes of this section, "imminent" means highly predictable.

(3) A person convicted of the offense of criminal syndicalism incitement shall be imprisoned in the state prison for a term not to exceed 10 years.

~~(4) Whoever, being the owner or in possession or control of any premises, knowingly permits any assemblage of persons to use such premises for the purpose of advocating or promoting the doctrine of~~

1 ~~criminal syndicalism shall be fined not to exceed \$500 or imprisoned in the county jail for a term not to~~
2 ~~exceed 6 months, or both."~~

3
4 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

5
6 NEW SECTION. Section 3. Applicability. [This act] applies to offenses committed on or after [the
7 effective date of this act].

8 - END -

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on January 27, 1999 at 9:00 A.M., in Room 437 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 36, 1/22/1999; SB 232,
1/22/1999; SB 236, 1/22/1999
Executive Action: None

HEARING ON SB 232

Sponsor: SEN. BOB DEPRATU, SD 40, Whitefish

Proponents:

George Bennett, MT Bankers Assoc.

SEN. BARTLETT said the clinic in Helena provides services on a sliding scale and is it true that some people with no resources are provided free care. **Kip Smith, MT Primary Care Assoc.**, said that was correct.

SEN. BARTLETT asked if the people that work at the clinic are compensated for their time. **Kip Smith** said that was correct.

SEN. BARTLETT discussed the amendment. **(EXHIBIT 5)** She said the language needs to address compensation from the patient. She said she would assume that the providers at the clinic have malpractice coverage. She said the way the amendment is worded there may be instances where the doctor may not be liable for negligence. **Kip Smith** said in the bill the language is confusing as to whether these centers are covered or not, but it is even more confusing with the amendment. **Michael Spence** said he has talked to the clinic in Helena about donating his time. He said at the current time the clinic carries a policy that anyone working there, under any capacity, is covered against liability action. He could work there without compensation and still be covered.

SEN. BARTLETT said if this passed, and there was simple negligence would the insurance company still cover this. **Jerry Loendorf** said immunity would be a defense, but the clinic in Helena would not fall under this bill because the people that work at the clinic are paid a salary. This only applies to those who work without compensation.

CHAIRMAN GROSFIELD said in the amendment what is the significance of the word "voluntarily". **Jerry Loendorf** said this comes from the Virginia Law and he doesn't know why it is there.

CHAIRMAN GROSFIELD said in the last session they granted broad immunity to dental surgeons, etc. He asked if this has been used. **Jerry Loendorf** said this was for a project in Missoula and he was not familiar with it.

Closing by Sponsor:

SEN. KEENAN closed in SB 36.

{Tape : 2; Side : A; Approx. Time Counter : 11:11 a.m.}

HEARING ON SB 236

Sponsor: **SEN. STEVE DOHERTY, SD 24, Great Falls**

Proponents:

John Connor, MT Co. Attorney's Assoc.
Jon Metropoulos, Flathead Joint Border Patrol for three
Irrigation Districts

Opponents:

Arlette Randash, Eagle Forum
Laurie Koutnik, MT Christian Coalition
Scott Crichton, ACLU

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 24, Great Falls, said they have seen the rise of para-military organizations and the threats that they have acted out. This bill is an attempt to clarify existing law. He said, currently, they have a criminal syndicalism law in Montana and is subject to interpretation in court cases. A judge in Missoula recently ruled that this current statute was not up to Constitutional muster. He said the U.S. Supreme Court has dealt with this and *Brandenberg v. Ohio* is one such case dealing with the Klu Klu Klan in which this statute was used. He said they used language from that case in this bill. He said the current statute is too broad as it could infringe on free speech and might give prosecutors too much power. This draws the line between inciting unlawful activity and producing that unlawful activity in simple free speech. They have to look at the context of the speech, just like they do in sexual harassment cases.

Proponents' Testimony:

John Connor, MT Co. Attorney's Assoc., said this bill is the same as they had last session and is simply bringing Montana statute up to Federal Law. The crux of this bill is on lines 24-26, page 1. This bill doesn't grant any more than what they have now by existing statute, in fact it narrows what they can do. This criminal syndicalism statute dates back to 1917 and is being used now to prosecute anti-government related activities. He discussed some cases that dealt with these issues. This is only trying to bring this up to Constitutional muster and not enlarge the scope of what might be prosecuted under the statute. He is willing to work with the language, as long as the *Brandenberg* language stays in there.

Jon Metropoulos, Flathead Joint Border Patrol for three
Irrigation Districts, said his clients are located within the exterior boundaries of the Flathead Indian Reservation and they

find themselves in conflict with these tribes. He said four years ago the tribe sued the officers of his irrigation district. Claiming they were racketeers and had violated criminal laws for exercising their first amendment rights to lobby, administer actions at the state and federal level and to participate in lawsuits. The tribes lost twice to the federal district court in Helena and appealed to the 9th Circuit Court of Appeals where they lost again. His clients had to spend over \$70,000 defending themselves. The damages that the tribes sought was over \$3 Million. The theory of this was that his clients had exceeded their authority under state civil law and in doing so they had conducted unlawful activity. He said the state's County Attorneys would not improperly use this statute, but political opponents may use this to quiet the free speech of their opponents. He said on line 13 the definition of criminal syndicalism should be inserted into the bill and methods of terrorism should be struck. Line 24, the word "unlawful" should be changed to "criminal action". Line 26, the definition of imminent needs to be changed so that they are talking about imminent of time.

{Tape : 2; Side : B; Approx. Time Counter : 11:30 a.m.}

Opponents' Testimony:

Arlette Randash, Eagle Forum, said free speech protections could be dissolved if a different political climate would arise. She said their forefathers recognized the difficult balance of the right to free speech and the necessity to state security. The reason the framers of the Constitution defined the crime of treason in the Constitution itself was not because of the gravity of the crime alone, but due to the abuses which had surrounded prosecutions for treason. They wanted the crime to consist only of the conduct specifically described in the Constitution. She read part of the Constitution which defines treason. The balance they sought between freedom of speech and the nation's security was clearly affected by historical events. Rise of socialism and political upheaval led to the enactment of many of the states syndicalism laws which in turn became the basis of the Smith Act. Current political events are driving this bill as it did SB 178 in the previous session. They should provide protection for civil service and law enforcement, but overreacting and suspending constitutionally guaranteed freedoms will also serve just as well to ultimately undermine our freedom. This bill raises the question, is the language unconstitutionally vague since one would be guilty without having committed an overt act. The Smith act is aimed at the advocacy and teaching of concrete actions for the forcible overthrow of the government and not the advocacy of principles divorced from action. **SB 236** mentions nothing about overthrowing the government only unlawful actions or the

likelihood of unlawful actions. Wasn't this what our forefathers wanted to avoid? Prosecutions under the Smith Act fall under federal jurisdiction and courts and is a state statute necessary? Proponents of this bill have not shown proof that they have been able to bring to justice one criminal guilty of what they are labeling incitement. The Smith Act specifically proscribes conspiracy of two or more persons but **SB 236** talks about one person. She discussed the Brandonberg V. Ohio case.

Laurie Koutnik, MT Christian Coalition, said the first time she had ever heard of anyone being prosecuted of a criminal syndicalism law was back in 1995. Those charges were dropped because they were too vague and this is the problem with the bill. Just because they replace the word "syndicalism" with the word "incitement" does not address the core of the judges concern. This bill is too vague and borders on infringement of our Constitutionally protected first amendment rights. She wondered if our forefathers would of been guilty for speaking out on unjust taxation, etc. if this law was in place. She wondered what impact this legislation would have on our right to influence public policy or conduct. She read Article 2, Section 30 of the Montana Constitution. She said there are several laws already in statute that protect people and prosecute criminals and this bill is not needed. She said the Freeman have been brought up on charges and are being sentenced. She questioned as to whether the County Attorneys need another law to enforce. She cited several cases that have been challenged unconstitutional by the U.S. Supreme Court.

Scott Crichton, ACLU, rose in opposition of **SB 236. EXHIBIT(8)**

Questions from Committee Members and Responses:

SEN. HALLIGAN asked what happened in Cascade County with the mayor situation. **SEN. DOHERTY** said the mayor was charged with the act that they are trying to amend. The prosecutor knew he may have problems prosecuting him under this statute because it had problems.

SEN. HALLIGAN asked if there is any other state that has something similar to this. **John Connor** said he didn't know if other states have acts that are defined this way. There is nothing they are trying to do here except limit this. And if there was potential abuses under this statute they would of surfaced by now.

SEN. HALLIGAN asked if changing unlawful to criminal on line 25 and the imminent definition of time is favorable. **John Connor**

said this is agreeable. The word imminent comes from case law but the definition of time is important.

SEN. JABS asked how could this be challenged. **John Connor** said anytime they charge someone under any statute it is subject to being challenged. He said they are trying to make it conform with what the U.S. Supreme Court says is permissible to limiting advocacy.

{Tape : 2; Side : B; Approx. Time Counter : 11:56 a.m.}

SEN. HOLDEN asked wouldn't it make more sense to repeal this statute and prosecute people under other statutes that have held up in a court of law. **SEN. DOHERTY** said prosecutors need this opportunity to prosecute under this law and there is no Constitutional problems with this bill, but there are Constitutional issues which need to be addressed. He said standing on the street corner and saying the Legislature is made up of a bunch of fools is great political speech. But standing on the street corner with a baseball bat and telling your friends lets go beat up the Legislature because it is a bunch of fools is where they cross the line. The Supreme Court is addressing this also.

SEN. HOLDEN said the example he just gave is already covered under current law. You cannot threaten, harass or do harm to public officials. **SEN. DOHERTY** said what about the neighbors across the street.

CHAIRMAN GROSFIELD asked if 45-8-104 covers this in the case of riots. **John Connor** said riots are under the misdemeanor statute. Sometimes they need other ways to prosecute and this criminal syndicalism law is the only option. As prosecutors they always look at what is available to specifically address the conduct involved.

CHAIRMAN GROSFIELD said what if he is an "earth firster" and he is taking people out to spike trees, is this the statute he would be prosecuted under. **John Connor** said if it falls within those subsections it would be covered.

CHAIRMAN GROSFIELD asked if there was another statute he could be prosecuted under. **John Connor** said it depends on the facts. There could also be criminal mischief involved in this.

SEN. HALLIGAN asked if overt acts would make it clearer. **John Connor** said he would have no problem with that.

CHAIRMAN GROSFIELD said if they do the changes that have been suggested does the ACLU change their position. **Scott Crichton** said one other area would have to be specifically addressed, and that is the unlawful act being charged which they are inciting, is the act which is inflicted. He said there is no linkage in the way the language is written. He said there is examples of what people are being encouraged to do is not at all what human beings end up doing. He said he cannot speak for the whole board on this matter as to whether they would be in favor of this.

CHAIRMAN GROSFIELD asked the same question of Arlette Randash. **Arlette Randash** said she was not sure until looking at the language that has been proposed.

Closing by Sponsor:

SEN. DOHERTY said he would have to reserve his thoughts on linkages. He said they have a current syndicalism law and it could be abused by prosecutors, but it has not. There is the question as to if the law would be held Constitutional if used right now. In order to solve that problem they are tracking the language from the Brandonberg decision. This bill is not a threat to anybody's rights, it is an attempt to prevent needless litigation. This bill addresses only when people cross the line.

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN LORENTS GROSFIELD, on February 1,
1999 at 10:00 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: Sen. Ric Holden (R)

Members Absent: None.

Staff Present: Judy Keintz, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 243, SB 258, 1/30/1999
Executive Action: SB 232, SB 236, SB 257

HEARING ON SB 243

Sponsor: SEN. FRED THOMAS, SD 31, Stevensville

Proponents: John Larson, District Judge from Missoula

Opponents: None

EXECUTIVE ACTION ON SB 232

Ms. Lane explained that the amendments SB023201.avl, EXHIBIT(7), were at the request of Bob Pyfer, Montana Credit Union League.

Motion/Vote: SEN. BARTLETT moved that SB 232 BE AMENDED. Motion carried unanimously.

Motion: SEN. MCNUTT moved that SB 232 DO PASS AS AMENDED.

Discussion:

SEN. BARTLETT stated that one of the exceptions to what would be considered an action is found on page 2, line 7, (e) which talks about an action for the exercise of a power of sale or foreclosure by advertisement and sale, both of which relate to real property. She asked for further clarification of the action involved in (e). George Bennett, Montana Bankers Association, explained that this referred to private sales. Under the UCC, collateral can be sold at a private sale as long as it is commercially reasonable. Under the Small Tract Financing Act, the trustee can sell at a private sale but the creditor then loses the right to obtain a deficiency judgment. Those have been determined either by court action or by the determination in other states not to impinge on the right to collect a debt through a foreclosure action.

SEN. BARTLETT stated that it was her understanding that the power of sale, 71-1-223, referred to a mortgage rather than a UCC action. Mr. Bennett clarified that if the borrower agrees to grant to the lender a power of sale under which the lender then can conduct a private sale, that private sale is then conducted and the borrower is protected because that sale must be reasonable and there is no right of deficiency. The creditor receives only what is realized from the sale of the collateral and can no longer pursue the debtor for any deficiency that results. He remarked that the examples given by the bankers during the hearing did not directly relate to the legislation.

Vote: Motion carried unanimously - 7-0.

EXECUTIVE ACTION ON SB 236

Motion: SEN. DOHERTY moved that SB 236 BE AMENDED - SB0023602.avl, EXHIBIT(8).

Discussion:

SEN. DOHERTY remarked that there was testimony concerning the definition section. The amendments would keep the definition of criminal incitement to mean the advocacy of crime, malicious damage, or injury to property or violence. Lines 24 and 25 refer to criminal actions. The specificity requested by Scott Crichton, American Civil Liberties Union, which related to specific crimes, has been inserted. The advocacy and the crime need to be the same. "Imminent" was redefined to mean "immediate, impending, on the verge of happening".

Vote: Motion carried unanimously - 8-0.

Motion: SEN. DOHERTY moved that SB 236 DO PASS AS AMENDED.

Discussion:

SEN. DOHERTY remarked that this language is a rewrite of an unconstitutionally vague statute. This will clarify current law.

CHAIRMAN GROSFIELD reported that additional amendments were prepared for SEN. HOLDEN.

SEN. DOHERTY claimed that the amendments were not within the title of bill. The bill revises the offense of criminal syndicalism in section 236. He added that SEN. HOLDEN'S amendments would eliminate the offense of criminal syndicalism.

Vote: Motion carried 7-1 with SEN. GRIMES voting no.

EXECUTIVE ACTION ON SB 257

CHAIRMAN GROSFIELD remarked that there is some concern about unintended consequences due to the broad terminology in the legislation. Ms. Wang maintained that the criminal law is unique in the way it is structured in that it includes definitions. All of the definitions plug into criminal law, which call for the offender to act knowingly or purposely. A person acts knowingly when they are aware of their conduct. A person acts purposely when they have a conscious object to engage in that conduct. A peace officer who has the facts at hand and a prosecutor who evaluates all the facts need to use a lot of wisdom and discretion to make their decisions.

SEN. BARTLETT questioned why language wasn't stricken which pertains to the only purpose of the act being to arouse or gratify a sexual desire or response. Ms. Wang clarified that historically these crimes have been looked at as sexual crimes.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN ROBERT C. CLARK, on March 12, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 273, SB 257, SB 258, SB 236, 3/4/1999

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 212 - 453}

Closing by Sponsor:

Senator Grimes made closing statements.

{Tape : 2; Side : B; Approx. Time Counter : 453 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 120}

HEARING ON SB 236

Sponsor:

Senator Doherty presented SB 236.

{Tape : 3; Side : A; Approx. Time Counter : 120 - 140}

Proponents:

John Connor, Attorneys General Office

{Tape : 3; Side : A; Approx. Time Counter : 140 - 244}

George Corn, Ravalli County Attorney

{Tape : 3; Side : A; Approx. Time Counter : 244 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 20}

Opponents:

None

Informational Testimony:

Scott Creighton, ACLU

{Tape : 3; Side : B; Approx. Time Counter : 20 - 57}

Questions from Committee Members and Responses:

{Tape : 3; Side : B; Approx. Time Counter : 57 - 214}

Closing by Sponsor:

Senator Doherty made closing statements.

{Tape : 3; Side : B; Approx. Time Counter : 214 - 278}

Executive Action: SB 163-Tabled, SB 273-Be
Concurred In, SB 326- Be
Concurred in as amended

HEARING ON SB 463

Sponsor:

Senator Wells presented SB 463.

{Tape : 1; Side : A; Approx. Time Counter : 35 - 142}

Proponents:

Mike Uda, self (Attorney)

{Tape : 1; Side : A; Approx. Time Counter : 142 - 294}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

Senator Wells made closing statements.

{Tape : 1; Side : A; Approx. Time Counter : 294 - 366}

HEARING ON SB 472

Sponsor:

Senator Wells presented SB 472.

{Tape : 1; Side : A; Approx. Time Counter : 366 - 550}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 24}

EXHIBIT(1)

EXHIBIT(2)

EXHIBIT(3)

Proponents:

Bud Elwell, NW Arms Collectors

{Tape : 1; Side : B; Approx. Time Counter : 24 - 38}

Gary Marbut, Montana Shooting Sports Association

{Tape : 3; Side : A; Approx. Time Counter : 262 - 274}

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 274 - 303}

Closing by Sponsor:

Senator Mahlum made closing statements.

{Tape : 3; Side : A; Approx. Time Counter : 303 - 337}

EXECUTIVE ACTION ON SB 163

Motion: REP. YOUNKIN moved that SB 163 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. CLARK moved that SB 163-Be Amended; LATER P. CLARK WITHDREW HIS AMENDMENT AND MOVED TO TABLE. Motion carried 12-8 with Ahner, Anderson, R. Clark, Curtiss, Facey, Gallus, Soft, and Younkin voting no.

{Tape : 3; Side : A; Approx. Time Counter : 337 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 148}

EXECUTIVE ACTION ON SB 273

Motion: REP. AHNER moved that SB 273 BE CONCURRED IN.

Motion: REP. MOLNAR moved that SB 273 BE TABLED.

Motion failed on a voice vote.

Motion/Vote: REP. AHNER moved that SB 273 BE CONCURRED IN.

Motion carried 17-3 with Jore, McGee, and Molnar voting no.

{Tape : 3; Side : B; Approx. Time Counter : 148 - 255}

EXECUTIVE ACTION ON SB 326

Motion/Vote: REP. WYATT moved SB 326-TO RECONSIDER FROM TABLED STATUS. Motion carried 12-8 with Ahner, Curtiss, Jore, McGee, Molnar, Shockley, Soft, and Younkin voting no.

Motion: REP. WYATT moved that SB 326 BE AMENDED.

Substitute Motion: REP. NOENNIG made a substitute motion to amend SB 326, BUT LATER WITHDREW HIS SUBSTITUTE AMENDMENT.

Motion/Vote: REP. WYATT moved that SB 326 BE AMENDED. Motion carried 13-7 with Ahner, Curtiss, Jore, McGee, Molnar, Soft, and Younkin voting no.

Motion/Vote: REP. GALLUS moved that SB 326 BE CONCURRED IN AS AMENDED. Motion carried 11-9 with Ahner, Curtiss, Hurdle, Jore, McGee, Molnar, Shockley, Soft, and Younkin voting no.

HOUSE COMMITTEE ON JUDICIARY

March 23, 1999

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{Tape : 3; Side : B; Approx. Time Counter : 255 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 180}

Chairman R. Clark discussed some Housekeeping items such as Coffee fund payments still owing and ideas for field trips the House Judiciary Committee could take prior to the completion of this session.

They were:

Pine Hills

Great Falls Regional Prison and other Great Falls facilities

Butte

Supreme Court

District Courts

ISP

Law Enforcement Academy

Shooting Range

all members are to report at Fridays March 26, 1999 meeting what they would like to do.

Meeting adjourned.